



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

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February 9, 2012

Ms. Ashlee Titus
Bell, McAndrews & Hiltachk, LLP
o/b/o Irvin Marks

REDACTED

Re: Warning Letter ✓
FPPC File No. 11/160; Irvin Marks

Dear Ms. Titus:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against your client that alleged he failed to disclose income on his Statement of Economic Interests, Form 700. We are closing this matter with a warning letter.

The FPPC has completed its investigation of the facts in this case. Under the Act, employees designated in an agency's conflict-of-interest code are required to file Statements of Economic Interests, Form 700 ("SEI"), disclosing their economic interests which may be affected by the decisions they make. (Section 87300.) Amador County adopted a conflict-of-interest code for the Amador County Indian Gaming Local Community Benefits Committee which requires the designated employees to disclose all interests in real property, sources of income from sources located in Amador County, all investments in any business entity that is located in Amador County, and all business positions held in any business entity located in Amador County. As a designated employee of the Amador County Indian Gaming Local Community Benefits Committee, your client had an obligation to disclose investments, income, and interests in real property that fell within his disclosure categories.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your client's actions violated the Act because he received income from a source that fell within his disclosure category, and failed to disclose that income on his SEI. However, since your client has filed an amendment to disclose this information immediately after contact with the Enforcement Division, the fact that your client does not have an enforcement history, we have decided to close this matter with a warning letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If your client wishes to avail himself of these proceedings by requesting that his case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk

Chief, Enforcement Division

GSW/tr